



In the
Indiana Supreme Court

SMALL BUSINESS TRANSPORTATION)
INC.)

Plaintiff)

vs.)

Mark BURRESS, Nancy Burress, and)
Smart Way Logistics, LLC)
Defendants)

Supreme Court No. 64S00-0802-SJ-78

Case No. 64D02-0612-PL-11609
in the Porter Superior Court

ORDER REMANDING JURISDICTION TO TRIAL COURT

Comes now the Clerk of the Porter Superior Court, and pursuant to Ind.Trial Rule 53.1, certifies this matter here for the appointment of a special judge.

And this Court, being duly advised, now finds that jurisdiction of this matter should be remanded to the Porter Superior Court and Special Judge Roger V. Bradford. The praecipe for withdrawal of the submission of this case from the special judge alleges that the court held a hearing on a motion for summary judgment, took the matter under advisement, and failed to rule in a timely manner. The Chronological Case Summary does not contain an entry showing that a hearing was held or that the matter was taken under advisement. Based on this record, withdrawal of the submission is not appropriate.

IT IS, THEREFORE, ORDERED that jurisdiction of this matter is remanded to the Porter Superior Court and Judge Bradford to either: 1) clarify the record by confirming that the motion for summary judgment was taken under advisement on September 17, 2007, that a timely ruling was not entered, and recertify this matter to this Court, or 2) such not being the situation, to resume jurisdiction of this matter.

The Clerk of this Court is directed to forward notice of this Order to the Hon. Roger V. Bradford, Porter Superior Court, 16 Lincolnway, #338, Valparaiso, IN 46383, and to the Clerk of the Porter Superior Court.

The Clerk of the Porter Superior Court is directed to forward notice of this Order to all parties of record in the case below.

DONE at Indianapolis, Indiana, this 30th day of April, 2008.

RT Shepard

Randall T. Shepard
Chief Justice of Indiana